IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 2ND JANUARY 2007 / 12 POUSHA 1928

WP(C).No. 224 of 2007(B)

CRA.95/1995 of I ADDL. DISTRICT COURT, TRIVANDRUM

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PETITIONER:

SUKUMARAN,
SOUBHAGYA HOUSE, VAYALOOR VILLAGE, MURIKKUMPUZHA.

BY ADV. SRI.M.BALAGOVINDAN

RESPONDENTS:

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1. STATE OF KERALA,
REPRESENTED BY THE DIRECTOR OF PROSECUTION,
HIGH COURT OF KERALA, ERNAKULAM.

2. DEPUTY SUPERINTENDENT OF POLICE,
ATTINGAL.

3. SREEDHARAN,
ADAPPINAKAM VEEDU, VALIYAKADA DESOM,
CHIRAYINKEEZHU. (DIED).

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 02/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

R.BASANT, J

W.P.C.No.224 of 2007

Dated this the 2nd day of January 2007

JUDGMENT

The petitioner has, according to me, unnecessarily come to this court.

2. What is his grievance? According to him, he has been sentenced to pay a fine of Rs.40,000/- in a prosecution under Section 138 of the Negotiable Instruments Act. He was found guilty and convicted by the learned Judicial First Class Magistrate Court-Attingal in C.C.No.1/93 but his sentence was modified by the appellate court in Crl.A.No.95/95. According to the petitioner, he has already remitted the fine amount and there is no question of any default sentence being suffered by him now. According to him, the police men are after him. He has, therefore, rushed to this court.

3. The petitioner need only appear before the learned Magistrate either personally or through pleader and bring to the notice of the learned Magistrate that the amount of fine which he has been sentenced to pay has already been paid. In that event, it is for the learned Magistrate to verify records and if amounts

are paid already, the learned Magistrate must forthwith recall the warrant. Instead of seeking this simple relief from the learned Magistrate, the petitioner appears to have taken upon himself the luxury of coming to this court, which is totally unnecessary. The petitioner must approach the learned Magistrate. This writ petition is in these circumstances dismissed but with the above observation.

Hand over copy of this order to the learned counsel for the petitioner immediately.

(R.BASANT, JUDGE)

jsr

R.BASANT, J

C.R.R.P.No.

ORDER

21ST DAY OF JULY 2006